

January 21, 1997

DURHAM, NORTH CAROLINA  
TUESDAY, JANUARY 21, 1997  
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Absent: Council Members Engelhard and Wright.

Also present: Interim City Manager Cecil Brown, City Attorney William I. Thornton, Jr., City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

The Mayor called the meeting to order and at this time, a proclamation was read Honoring John W. Hamrick for being named "1996 North Carolina Realtor of the Year." Mr. John Hamrick thanked the council for the recognition.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. Interim City Manager Brown requested that Consent Item 22 [Street Closing-Jackie Robinson Place] and GBA Item 10 [Proposed Lease of Jackie Robinson Place for Parking] be continued to the February 3, 1997 City Council Meeting.

**SUBJECT: STREET CLOSING (SC96-2) - JACKIE ROBINSON PLACE**

To adopt a resolution 1) declaring the intent of the City Council to permanently close Jackie Robinson Place; and 2) setting a public hearing on Monday, February 3, 1997 to consider closing Jackie Robinson Place.

**MOTION** by Council Member Larson seconded by Council Member Griffin to continue this item to the February 3, 1997 City Council Meeting was approved at 7:39 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: PROPOSED LEASE OF JACKIE ROBINSON PLACE FOR PARKING**

To propose to accept the offer of CBC Real Estate, Inc.

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to lease Jackie Robinson Place adjacent to the Durham Bulls Athletic Park for \$22,080 per year for twenty years contingent on the approval of a street closing order for Jackie Robinson Place; and

To authorize the City Manager to advertise for upset bids.

**MOTION** by Council Member Larson seconded by Council Member Griffin to continue this item to the February 3, 1997 City Council Meeting was approved at 7:39 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

Deputy City Clerk Gray informed council of the valid protest petition filed against GBA Item 7. **[No priority items from the City Attorney]**

At the request of the developer, Mayor Kerckhoff announced that GBA Items 7 and 13 were being continued to the February 17, 1997 City Council Meeting.

**SUBJECT: ZONING MATTER CASE P96-52, GLENWOOD DEVELOPMENT COMPANY, INC., INTERSECTION OF NC-751 AND NC-54**

Case: P96-52

Applicant: Glenwood Development Company, Inc.

Location: The 13.24-acre site is located at the southwest corner of the intersection of NC-751 and NC-54. It consists of 10 parcels of land identified as Tax Map 428, Block 2, Lots 7, 7A, 7B, 7C, and 8 through 13.

Request: Rezoning from R-20 (Residential 20), OI-1 (Transitional Office and Institutional) and OI-2 (General Office and Institutional); F/JB to SC(D) (Shopping Center with Development Plan); F/JB

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, OI-1, and OI-2; F/JB and placing same in and establishing same as SC(D); F/JB.

Zoning Committee's Recommendation: Approval--Vote 4-3

City Manager's Recommendation: Denial

Note: Valid protest petition filed against this

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rezoning.

Mayor Kerckhoff opened the public hearing on this rezoning case.

**MOTION** by Council Member Clement seconded by Council Member McKissick to continue the public hearing for Rezoning Case P96-52 to the February 17, 1997 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: DETERMINATION OF NEED FOR MAJOR SPECIAL USE PERMIT FOR DURHAM CROSSING SHOPPING CENTER (GLENWOOD DEVELOPMENT)**

To determine if a Major Special Use Permit for Traffic Impact is required for Durham Crossing Shopping Center (Glenwood Development) and if so, to set a public hearing for Monday, February 3 1997.

**MOTION** by Council Member Clement seconded by Council Member McKissick to refer this matter to the February 17, 1997 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Council Member Miller requested that Consent Item #18 be pulled. Council Member Cox requested that Consent Item #15 be pulled. The Mayor noted the items previously pulled or revised at the Committee-of-the-Whole Meeting.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**CONSENT AGENDA**

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**SUBJECT: STATUS REPORT FROM OVERSIGHT COMMITTEE FOR  
SELECTION OF CITY MANAGER**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a status report from the Oversight Committee for the Selection of City Manager was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: STATUS REPORT ON ECONOMIC DEVELOPMENT ACTIVITIES ON  
WEST CHAPEL HILL STREET - GOOD WORK, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from Good Work, Inc. on the status of economic development activities in the 1000-1100 blocks of West Chapel Hill Street was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: 1996 DURHAM HOUSING CONDITIONS STUDY REPORT**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the results of the 1996 Durham Housing Conditions Study was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: RECYCLING SERVICES**

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to allocate funds to continue providing commercial glass recycling for fiscal year 1996-97 at a cost of \$25,200.00; and
- b. To allocate funds to expand curb side recycling to include magazines and corrugated cardboard for fiscal year 1996-97 at a cost of \$35,250.00 was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson,

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McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: AMENDMENT #2 TO CONTRACT BETWEEN THE CITY OF DURHAM, NORTH CAROLINA AND SUNSHARES, INC. FOR RECYCLING SERVICES**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract to amend the contract between the City of Durham and SunShares, Inc. for recycling Services was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: FEES CHARGED TO THE DURHAM HOUSING AUTHORITY FOR SOLID WASTE PICKUP**

To waive fees charged to the Durham Housing Authority for solid waste pickup in accordance with NCGS §157-26.

At the Committee-of-the-Whole Meeting on Thursday, January 16, 1997, Interim City Manager Brown requested that this item be referred to the administration.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this item to the administration was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: PROPOSED LEASE AGREEMENT FOR POLICE SUBSTATION, DISTRICT 3, SHOPPES AT LAKEWOOD, L.P.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a 60-month Lease Agreement with Shoppes at Lakewood, L.P. for the rental of Suite 5, Shoppes at Lakewood, at a cost of \$2,416.67 per month and to execute, if any, Subordination Agreements and Estoppel Certificates required under the Lease Agreement was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

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**SUBJECT: PROPOSED LETTER OF AGREEMENT FOR THE USE OF A  
PORTION OF LIGGETT GROUP INC.'S WALKER BUILDING -  
POLICE DEPARTMENT DISTRICT 3 CAT TEAM**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Letter of Agreement with the Liggett Group, Inc., for the use, by the Police Department District 3 CAT Team, of a portion of the Liggett Group Inc.'s Walker Building was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: SECTION 5309 FEDERAL TRANSIT GRANT APPLICATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the filing of a Section 5309 grant application and execution of a grant agreement with the North Carolina Department of Transportation was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Resolution #8294**

**SUBJECT: REIMBURSEMENT AGREEMENT FOR BICYCLE-ON-BUS PROGRAM  
EXPENDITURES - NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the City Manager to execute a Bicycle Agreement with the North Carolina Department of Transportation regarding the purchase and installation of bicycle parking racks and bicycle-on-bus racks and the printing of bicycle-on-bus program brochures was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Resolution #8295**

**SUBJECT: 1996 SPECIAL BOND REFERENDUM**

**MOTION** by Council Member Larson seconded by Council Member

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Miller to accept the certified referendum returns as submitted by the Durham County Board of Elections; and

To adopt a "Resolution Declaring the Results of the Special Bond Referendum Held in the City of Durham on November 5, 1996 Upon the Questions of Approving \$35,245,000 Street Bonds, \$5,500,000 Art Center and Museum Bonds, \$20,375,000 Park and Recreational Facility Bonds, \$5,165,000 Public Transportation Bonds and \$20,000,000 Housing Bonds" was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Resolution #8296**

**SUBJECT: CERTIFICATES OF PARTICIPATION REFUNDING**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning Certificates of Participation Refunding was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: 1997 SALE OF GENERAL OBLIGATION BONDS AUTHORIZED IN 1990**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on General Obligation Bond issuance; and

To adopt a resolution providing for the issuance of Public Improvement Bonds, Series 1997 was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Resolution #8299**

**SUBJECT: MAJOR BUDGET ISSUES**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Budget Director concerning major budget issues was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem

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Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: FIRE LANES - CITY CODE SECTION 20-190, NEW HOPE COMMONS SHOPPING CENTER, NORTH DUKE MALL AND WALMART AT OXFORD COMMONS**

- a. Fire Lanes - New Hope Commons Shopping Center at 5428-B New Hope Commons Drive

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Development Review Board concerning fire lanes; and

To adopt an "Ordinance to Amend Durham City Code Section 20-190, Category XVII. Traffic Control and Regulation Schedule. By Modifying Properties Already in Category XVII. Fire Lanes on Private Property Devoted to Public Purpose" to add certain New Hope Commons Shopping Center property described in the attachment was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11002**

- b. Fire Lanes - North Duke Mall at Fairfield Avenue

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance to Amend Durham City Code Section 20-190, Category XVII. Traffic Control and Regulation Schedule. By Modifying Properties Already in Category XVII. Fire Lanes on Private Property Devoted to Public Purpose" to add certain North Duke Mall property described in the attachment was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11003**

- c. Fire Lanes - Wal\*Mart at Oxford Commons

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance to Amend Durham City Code Section 20-190, Category XVII. Traffic Control and Regulation



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Schedule. By Modifying Properties Already in Category XVII. Fire Lanes on Private Property Devoted to Public Purpose" to add certain Oxford Commons property described in the attachment was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11004**

**SUBJECT: REPORT FROM ADMINISTRATION ON TRAFFIC SIGNAL AT FAYETTEVILLE STREET AND TIMOTHY AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the traffic signal at Fayetteville Street and Timothy Avenue;

To adopt an ordinance authorizing the installation of the traffic signal at Fayetteville Street and Timothy Avenue;

To authorize the expenditure of funds from the Street Capacity and Safety Improvements Account for design services, purchase and installation of the traffic signal equipment for a total amount not to exceed \$28,500.00;

To adopt "City of Durham Capital Project Ordinance Superseding Ordinance #10214 Concerning South Roxboro Street";

To adopt "City of Durham Capital Project Ordinance Superseding Ordinance #10791 concerning Street Capacity and Safety Improvements"; and

To adopt a resolution authorizing the City Manager to enter into a Municipal Agreement with North Carolina Department of Transportation (NCDOT) for the installation of a traffic signal at the intersection of Fayetteville Street and Timothy Avenue, and to operate and maintain the traffic signal at no expense to NCDOT was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11005  
Ordinance #11006  
Ordinance #11007  
Resolution #8297**

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**SUBJECT: SEWER EXTENSION AGREEMENT FOR FARRINGTON ROAD, E. T. DEVELOPMENT CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a sewer extension agreement with E. T. Development Corporation for approximately 333 feet of Farrington Road was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: ALSTON AVENUE SIDEWALK - CONTRACT ST-166, HOLMES CONTRACTING, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Holmes Contracting, Incorporated in the amount of \$45,834.00 for Contract ST-166, Alston Avenue sidewalk; and

To authorize the expenditure of \$66,500.00 from the Sidewalk Improvement Account was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: SETTING PUBLIC HEARING - REZONING REQUEST**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt "A Resolution Providing for Public Hearing [February 3, 1997] on a Request for an Amendment to the Zoning Ordinance" for rezoning from R-20 (Residential 20) and OI-2 (General Office and Institutional) to **I-2(D)** (Light Industrial with Development Plan) the 1.74 acre site located at 3633 South Avenue was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Resolution #8300**

**SUBJECT: REZONING OF PROPERTY AT NORTHEAST CORNER OF CARVER STREET AND BEN FRANKLIN BOULEVARD**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a **public hearing on**

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**Monday, February 17, 1997** for rezoning of property of Gary Hock located at the northeast corner of Carver Street and Ben Franklin Boulevard from OI-1(D) (Transitional Office and Institutional with Development Plan) to OI-2(D) (General Office and Institutional with Development Plan) for a proposed State Employees Credit Union office was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Resolution #8298**

**SUBJECT: SITE PLAN APPROVAL - HOTEL SUBMITTED BY MANISH ATMA**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a site plan for a 91-room hotel submitted by Manish Atma, consisting of 53,320 square feet (four floors) on 4.95 acres, zoned O and I-2 with a watershed district and major transportation corridor overlay, located on the east side of Farrington Road (south of Highway 54, west of I-40) (Tax Map #488A-1-18) was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: PRELIMINARY PLAT AND SITE PLAN APPROVAL - GREYFIELD, PHASE 2 AND POD KK REVISED, HOPE VALLEY FARMS**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a preliminary plat and site plan for Greyfield, Phase 2 and Pod KK Revised in Hope Valley Farms, submitted by CASWYCK-HVF, LLS, consisting of a total of 156 new single family lots added to 38 existing lots on ±56.87 acres, zoned PDR-3.44, located on the south side of Juliette Drive and South Roxboro Street Extension, west of Fayetteville Road (Tax Map #508-1-1) was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: SITE PLAN APPROVAL - DUKE UNIVERSITY STUDENT RECREATION AND FITNESS FACILITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a site plan for Duke University Student Recreation and Fitness Facility, submitted by Duke

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University, consisting of 99,000 square feet of new recreational in-fill buildings and 10,000 square feet of renovations to existing facilities proposed on Duke University's West Campus, zoned R-10, and located behind Card Gym and the Aquatic Center, southwest of Towerview Drive (Tax Map #106-1-1) was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: SPEED LIMITS ON US 15-501**

a. Forty-Five Mile Per Hour Limit

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a 45 mph speed limit at the following locations:

- 1) US 15-501 from a point 0.10 mile south of Garrett Road (SR 1116), northward to a point 1.00 mile north of Garrett Road (SR 1116), and
- 2) US 15-501 from the Orange County Line, northward to a point 0.10 mile north of Mt. Moriah Road (SR 2294)

was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11008**

b. Fifty-Five Mile Per Hour Speed Limit

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a 55 mph speed limit at the following locations:

- 1) US 15-501 from a point 0.10 mile north of Mt. Moriah Road (SR 2294), northward to a point 0.10 mile south of Garrett Road (SR 1116), and
- 2) US 15-501 from a point 1.00 mile north of Garrett Road (SR 1116) northward to I-85

was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

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**Ordinance #11009**

**SUBJECT: TRAFFIC SIGNAL - DEARBORN DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a traffic signal at the intersection of Dearborn Drive and Old Oxford Highway was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11010**

**SUBJECT: STOP SIGN - CAMBRIDGE VILLAGE SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Alhambra Court at Fidelity Drive, southwest corner; and
- 2) Landon Street at Fidelity Drive, southwest and northeast corners

was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11011**

**SUBJECT: STOP SIGN - JARVIS COURT**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Jarvis Court at Nichols Farm Drive, southwest corner was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11012**

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**SUBJECT: STOP SIGN - WOODCROFT SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) East Bayberry Court at Winterberry Ridge Drive, southwest corner; and
- 2) West Bayberry Court at Winterberry Ridge Drive, northwest corner

was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11013**

**SUBJECT: PARKING PROHIBITION - EDWARD STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time at the following locations:

- a. north side of Edward Street in the area beginning at a point at the east curb line of Roxboro Street, if extended, and extending eastwardly for a distance of 55 feet; and
- b. south side of Edward Street in the area beginning at a point at the east curb line of Roxboro Street, if extended, and extending for a distance of 80 feet eastwardly

was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11014**

**SUBJECT: TRAFFIC SIGNAL - ROXBORO STREET, SOUTH STREET, AND MASONDALE AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a traffic signal at the intersection of Roxboro Street, South

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Street, and Masondale Avenue was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11015**

**SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, February 3, 1997 for confirmation of the following assessment rolls:

- a. **Curb, Gutter, and Paving - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive;
- b. **Water and Sewer Laterals - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive; and
- c. **Sewer Main - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive

was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the following petitioned improvements, and

To adopt a resolution setting a public hearing on Monday, February 3, 1997 to consider ordering **street opening, curb, gutter and paving, storm drainage, water and sewer mains and water and sewer laterals on Wayne Street** from Ebon Road to Wortley Drive was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: STREET ACCEPTANCE - WINSTEAD PHASE I AND II**

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**MOTION** by Council Member Larson seconded by Council Member Miller to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

1. Ambridge Street - from the centerline of East Club Boulevard southward thru the cul-de-sac (781')
2. Cheek Street - from the centerline of East Geer Street northward to the end of pavement (429')
3. Holbrook Street - from Maynard Avenue (Sta. 10 + 37) north to the end of pavement (Sta. 14 + 29), (392')
4. Bon Air Avenue - from existing pavement (Sta. 15 + 00) east to the end of pavement (Sta. 17 + 43), (243')
5. Firth Lane - from the centerline of Bon Air Avenue southward thru the cul-de-sac (1,157')
6. Corinth Lane - from the centerline of Holbrook Street westward thru the cul-de-sac (790')
7. Hawick Lane - from the centerline of Corinth Lane northward to the centerline of Firth Lane (240')

Winstead - Phase I & II

1. Centerway Drive - from the centerline of Randolph Road eastward thru the cul-de-sac (1,297')
2. Middlebrook Court - from the centerline of Centerway Drive northward thru the cul-de-sac (615')
3. Middlebrook Drive - from the centerline of Centerway southward to the end of pavement (945')
4. Beltre Court - from the centerline of Middlebrook Drive westward thru the cul-de-sac (242')
5. Biddle Court - from the centerline of Middlebrook Drive eastward thru the cul-de-sac (154')
6. Olney Drive - from the centerline of Middlebrook Drive northward to the centerline of Centerway Drive (692')

**SUBJECT: TIME PAYMENT PETITIONS**



**January 21, 1997**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the 14 Time Payment Petitions listed below was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

1. Elaine S. Alford - 433 Sherron Road - Water Lateral and Water Capital Facility Fee
2. Elaine S. Alford - 422 Sherron Road - Water Lateral and Water Capital Facility Fee
3. Dickson M. and Patricia Clifford, Jr. - 2408 Landis Drive - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
4. Blanche C. Edens, Allen D. Edens, Jr., Wanda W. Edens - 2319 Thunder Road - Water Lateral and Water Capital Facility Fee
5. Jerald W. and Rebecca G. Hill, Jr. - 3709 S. Alston Avenue - Water Lateral and Water Capital Facility Fee
6. Rodney P. and Teresa D. Jenkins - 5411 Ephesus Church Road - Water Lateral, Water Main and Water Capital Facility Fee
7. Heather Mackenzie, Katherine M. Ford - 2424 Ellis Road - Water Lateral, Water Main and Water Capital Facility Fee
8. Minor L. Moore - 919 Belvin Avenue - Sewer Capital Facility Fee
9. Phyllis H. Nuchurch - 105 Allgood Street - Sewer Lateral, Sewer Main and Sewer Capital Facility Fee
10. Russell R. Rigsbee - 1311 Lynn Road - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
11. Jock C. Smith - 309 S. Mineral Springs Road - Sewer Lateral and Sewer Capital Facility Fee
12. Thomas W. and Wanda C. White - 4112 Farrington Road - Water Lateral and Water Capital Facility Fee
13. Calvin L. Woods, Beulah M. Woods - 240 Robbins Road - Water Lateral and Water Capital Facility Fee

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14. Mary E. Young - 2827 Beechwood Drive - Water Capital Facility Fee

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the following City Council meetings was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

December 2, 1996 - Regular Meeting  
December 12, 1996 - Special Meeting  
December 17, 1996 - Regular Meeting

**GENERAL BUSINESS AGENDA**

**[PUBLIC HEARINGS]**

**SUBJECT: 1997-98 CONSOLIDATED PLAN PUBLIC HEARING CONCERNING COMMUNITY DEVELOPMENT AND HOUSING NEEDS**

To receive citizens' comments and proposals concerning community development and housing needs for consideration in the development of the Consolidated Plan for the 1997-98 program year.

Michael Pullum, of the City/County Planning Department, briefed council on the purpose of the public hearing. He stated this year's anticipated federal funding for Durham includes approximately \$1.7 million in CDBG funds and \$826,000 in Home Program funds.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Harry Rodenhizer asked the council to support the Community Shelter for Hope in the upcoming budget.

Maggie Lee spoke in support of Community Shelter for Hope and Durham Affordable Housing Coalition.

Estella Collins, representing the Walltown Community Association, spoke in support of transforming the Old Walltown School into a home for senior citizens and a recreation center for the youth. Also, she spoke in support

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of cleaning up the debris from the alleyways in the Walltown area.

Howard Reisner, Chair of the Citizens' Advisory Committee, stated the CAC was pleased with the continuing efforts in the City Council adopted Edgemont and Southwest Central Durham revitalization areas and the forthcoming Walltown target area revitalization plan.

Gerald Shanklin, Executive Director for Hayti Development Corporation, asked council to continue their support for Hayti.

Ralph McKinney spoke on this matter.

Randy Mangum, President of Walltown Community Association, stated along with needed housing in the Walltown area, the following improvements are also needed: stormwater management; tree and debris removal; alleyway improvements, sidewalk repair and replacement.

Betty Lucas asked council to support the Durham Affordable Housing Coalition and the Walltown area.

Helen Moore, Senior Vice-President of CCB, spoke in support of the Durham Affordable Housing Coalition.

Muna Mujahid, representing the West End Community, stated there were respectable people living in the West End area; homeowners; etc. that really wanted to make changes in their lives and neighborhood. She asked the council for their support.

Gerald Riley, a resident of Exum Street, requested that the following improvements be made: 1) re-pave and improve drainage on Exum Street between South Buchanan Boulevard and Gattis Street; 2) City Engineering Department conduct neighborhood needs assessment for improved storm water drainage; and 3) additional lighting on Exum Street.

Graham Entwistle, a resident of Burch Avenue, requested that funds be made available for a Construction Manager position with the Durham Community Land Trustees.

Rick Sloan, a resident of Burch Avenue, spoke in support of the project located at Buchanan and Chapel Hill Street and the installation of additional street lights to improve safety.

Gloria Thomas, representing the West End Community, requested that up to six bus stop shelters be constructed in the Southwest Central Durham area. She stated in the entire Southwest Central Durham area there is not one bus shelter.

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Ethel Simonetti, a resident of Southwest Central Durham, requested increased bus service, bus shelters, street lights and street paving in this area.

Curtis Gatewood, President of NAACP, stated there was a need to invest in a segment of families that are outgrowing the homeless shelters. He noted shelters needed to be constructed to accommodate real families. He stated more money should be invested in bus stop shelters and crime fighting organizations.

Rev. Frederick Davis, Pastor of First Calvary Baptist Church, stated the residents of Southwest Central Durham needed street improvements and better lighting. He also spoke in support of the Walltown neighborhood.

David Buchholz, representing Good Work, Inc., spoke in support of the physical improvements to the West Chapel Hill Street area presented by the Land Trust. He asked the council to continue their support for Good Work, Inc.

Mayor Kerckhoff asked if there were other persons present wanting to speak on community development and housing needs. The public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments and proposals concerning community development and housing needs for consideration in the development of the Consolidated Plan for the 1997-98 program year was approved at 8:49 p.m. by the following vote:

Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: 1996-97 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
REPROGRAMMING**

To receive citizens' comments pertaining to the 1996-97 Community Development Block Grant reprogramming.

Paul Joyner, of the City/County Planning Department, stated the purpose of this public hearing is to receive comments on CDBG funds already received. He noted by federal law the city is mandated to hold a public hearing when money is moved from one category to another to support previously approved projects. Mr. Joyner briefed council on the previously approved projects and the amount of funds needed for reprogramming. 1) UDI Housing [\$14,000]; 2) Holloway Place [\$50,000]; 3) West Chapel Hill Street Parking Lot [\$50,000];

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4) Mt. Gilead Rental Rehab [\$93,777]; 5) Old Five Points Facade Improvement Program [\$20,000]; and 6) Wake, Lee, Gurley Streets [\$55,628].

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

No one spoke on this item. Mayor Kerckhoff closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments pertaining to the 1996-97 Community Development Block Grant reprogramming was approved at 8:53 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: CITY OF DURHAM BUDGET/CAPITAL IMPROVEMENT PROGRAM**

a. Fiscal Year 1997-98 Budget

Laura Gill, Budget Director, informed the council of two letters received by the Budget Office supporting the Acquatics Programs at I. R. Holmes and Edison Johnson Recreation Centers. Ms. Gill noted that the City Council would be holding Coffee with Council Sessions the last two weeks in February to receive comments on the 1997-98 budget.

She stated for those groups wanting to host one of the sessions, they should contact her at City Hall.

To receive citizens' comments concerning the Fiscal Year 1997-98 Budget.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ethel Simonetti, a resident of Southwest Central Durham, spoke in support of the budget for the Parks and Recreation Department. She asked the council to defer any consideration of cutting this budget.

Arthur West, representing Operation HOPE, spoke in support of the Parks and Recreation Department's budget.

Angelo Abatte, Chairman of the Recreation Advisory Council, stated the Parks and Recreation Department works very closely with all the communities they can. He also noted that the public environment must be maintained and kept clean.

Dewayne Humphrey, representing the Morreene Road Teen Club,

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spoke in support of the Parks and Recreation Department's budget. He asked that the council not cut funds from this budget.

Judy Hecht, representing the Mayor Committee for Persons with Disabilities, spoke in support of the Parks and Recreation Department's budget. She stated the parks and playgrounds needed to be upgraded/updated to accommodate everyone. Ms. Hecht also spoke in support of more programs for adults with disabilities.

Patricia Saylor, representing Parents of Deaf & Hard of Hearing Children, spoke in support of the Parks and Recreation Department's budget. She stated interpreting services "sign language" needed to be addressed in the upcoming budget.

Diane Dunn spoke in support of the Parks and Recreation Department's budget. She stated more funding is needed for the special population division.

Elizabeth Ney spoke in support for funding the Parks and Recreation Department's budget for the special population community.

Glynn Staten spoke in support for funding the Parks and Recreation Department's budget for the special population community. Also, he noted the poor conditions of the Forest Hills Recreation Center.

Jean Wilson-Mulvihill spoke in support of the Parks and Recreation Department's budget for the special population community.

Cheryl Lloyd, representing the N. C. Cooperative Extension Service, spoke in support of funding the Parks and Recreation Department's budget.

Melvin Riggs spoke in support for the Aquatics Program at I. R. Holmes Recreation Center.

Josette Barnes, representing Mayor Committee for Persons with Disabilities, spoke in support of the Aquatics Programs at I. R. Holmes and Edison Johnson Recreation Centers.

Don Synder, representing the Woodcroft Athletic Association, spoke in support of the Parks and Recreation Department.

Paul Atkins, representing the Woodcroft Athletic Association, raised concern relative to the schools in Durham not wanting their gyms to be used by the citizens. He stated their association, along with the Parks and Recreation Department, were making plans to meet with the school board regarding

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this issue.

Carol Kurtz, a resident of 1918 Wilshire Drive, addressed council on the flooding in Forest Hills Park. She stated the Forest Hills Garden Club and concerned Forest Hills residents request a two-fold approach to the problem: 1) In the immediate future, we request the piles of lighter weight branches be removed before the spring rains carry them off and further block the flow of water in the streambed, thereby causing additional flooding; and 2) For the future long-term, we request that the city address the chronic condition and seek a solution to flooding problems that endanger all citizens.

Catherine Vanderburg, a resident of Club Boulevard, spoke in support of the Aquatics Programs at I. R. Holmes and Edison Johnson Recreation Centers.

Ken Chavious, representing Whippoorwill Youth Athletic Association, asked the council to support the children by funding the Parks and Recreation Department. Also, he asked the council to work with the school board on the use of their facilities by public organizations.

Tom Coulter raised concern regarding the proposed vehicle fee and the stormwater management program.

Patricia Stubbing, representing the Lakewood Park Community Association, spoke in support of the Parks and Recreation Department.

Anita \_\_\_\_\_ spoke in support of the Parks and Recreation Department's budget for the special population community.

The Mayor asked if there were other persons present wanting to speak on this item. Mayor Kerckhoff closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Clement to receive citizens' comments concerning the Fiscal Year 1997-98 Budget was approved at 9:53 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

b. Fiscal Years 1998-2003 Capital Improvement Program

To receive citizens' comments concerning Fiscal Years 1998-2003 Capital Improvement Program.

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

No one spoke on this item. The Mayor closed the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Miller to receive citizens' comments concerning Fiscal Years 1998-2003 Capital Improvement Program was approved at 9:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENT TO PROVIDE FOR AN OVERLAY DISTRICT LIMITING BUILDING COVERAGE IN RESEARCH PARKS**

Liz Rooks, representing the Research Triangle Foundation, spoke in support of this item.

No one spoke in opposition. The public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Clement to receive citizens' comments concerning a proposed Zoning Ordinance amendment to provide for an Overlay District which would limit building coverage in research parks; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide for an Overlay District Which Would Limit Building Coverage in Research Parks was approved at 9:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**Ordinance #11016**

**SUBJECT: ZONING MATTER CASE P96-45, W. L. DICKERSON, 113 AND 115 NORTH HOOVER ROAD**

Case: P96-45

Applicant: W. L. Dickerson

Location: The .46 acre site is located at 113 and 115 N. Hoover Road on the west side of Hoover Road, north of NC 98 (Tax Map 356-2-10, 11)

Request: Rezoning from R-5 (Residential 5 District), F/J-B to CT (Commercial Trades District), F/J-B



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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5, F/J-B and placing same in and establishing same as CT, F/J-B.

Zoning Committee's Recommendation and Vote: Approval - 4-3

City Manager's Recommendation: Denial

Paul Norby, City/County Planning Director, stated the applicant requested that this rezoning item be continued to the March 3, 1997 City Council Meeting.

**MOTION** by Council Member McKissick seconded by Council Member Griffin to continue the public hearing on this rezoning request to the March 3, 1997 City Council Meeting was approved at 9:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: ZONING MATTER CASE P96-63, BILL RIPLEY FOR PETE DAYMONT, 3633 SOUTH ALSTON AVENUE**

Case: P96-63

Applicant: Bill Ripley for Pete Daymont

Location: The 1.74 acre site is located at 3633 S. Alston Avenue west of Old Cornwallis Road (Tax Map 570, Block 2, Lots 1, 2, and 15)

Request: Rezoning from R-20 (One Family Residence) and OI-2 (General Office and Institutional) to I-2 (Light Industrial)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as I-2.

Zoning Committee's Recommendation: Approval, 7-0

City Manager's Recommendation: Approval

The Administration requests that this rezoning case be continued until the February 3, 1997 City Council meeting to be considered at the same time as the proposed I-2(D) rezoning for this property.

**MOTION** by Council Member Clement seconded by Council Member Griffin to continue this rezoning request to the February 3, 1997 City Council Meeting was approved at 9:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem

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Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: ZONING MATTER CASE P96-74, NORTHGATE ASSOCIATES, 1720 GUESS ROAD**

Case: P96-74

Applicant: Northgate Associates

Location: The 9.36-acre site is located at 1720 Guess Road (Tax Map 70A, Block 1, Lot 1A, and Tax Map 72, Block 4, Lots 3 - 9 and Block 5, Lot 1)

Request: Rezoning from RM-16 (Residential Apartments 16 units per acre), OI-2 (General Office and Institutional) and SC (Shopping Center) to GC(D) (General Commercial with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-16, OI-2, and SC and placing same in and establishing same as GC(D).

Zoning Committee's Recommendation: Approval--Vote 6-1

City Manager's Recommendation: Approval

Nazeeh Abdul-Hakeem, of the City/County Planning Department, stated the applicant has agreed to add to the development plan dedication of right-of-way along Guess Road and elevations showing landscaping along Berkley Street.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Phil Freelon, representing the applicant, spoke in support of the request.

No one spoke in opposition. The public hearing was declared closed.

**MOTION** by Council Member Griffin seconded by Council Member Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-16, OI-2, and SC and placing same in and establishing same as GC(D) **[development plan to indicate r-o-w dedication along Guess Road and elevations for landscaping along Berkley Street]** was approved at 9:59 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

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[OTHER MATTERS]

**SUBJECT: BIDS - LANDFILL EQUIPMENT**

Information was distributed to council stating that a representative of Waste Management felt they could recommend ways to cost effectively reduce the city's landfill equipment needs for this year.

A motion was made by Council Member McKissick seconded by Council Member Cox to hold this matter until the February 3, 1997 City Council Meeting to allow the administration to continue their dialogue with Waste Management.

A substitute motion was made by Mayor Pro Tem Robinson to approve the item as printed on the agenda. This motion was seconded by Council Member Larson.

Council Member Hyman asked the administration if the council chose to hold this item, would it increase the city's risk of violations for endangering public health.

Interim City Manager Brown stated there is a possibility for violations and any delay would increase that likelihood.

**SUBSTITUTE MOTION** by Mayor Pro Tem Robinson seconded by Council Member Larson to accept the bid from Gregory Poole Equipment Company in the amount of \$925,430.00 for the total cost purchase of two (2) track-type tractors (Item No. 1);

To accept the bid from Gregory Poole Equipment Company in the amount of \$692,368.00 for the total cost purchase of two (2) self-elevating scraper pans (Item No. 2);

To accept the bid from A. E. Finley & Associates, Inc. in the amount of \$552,456.00 for the total cost purchase of two (2) landfill compactors (Item No. 3);

To accept the bid from Gregory Poole Equipment Company in the amount of \$639,780.00 for the straight purchase of two (2) articulated dump trucks (Item No. 4);

To accept the bid from North Carolina Equipment Company in the amount of \$107,329.00 for the straight purchase of one (1) tandem drive motor grader (Item No. 5); and

To waive the requirement for a Performance Bond for Gregory Pool Equipment Company (Item No. 4) and North Carolina Equipment Company (Item No. 5) was approved at 10:09 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem

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Robinson and Council Members Clement, Griffin, Hyman, Langley and Larson. Noes: Council Members Cox, McKissick, Miller and Brown. Absent: Council Members Engelhard and Wright.

**SUBJECT: DESIGNATION OF PARTY RESPONSIBLE FOR SELECTING THE DATA TRANSIT ADMINISTRATOR**

To designate the DATA Board as the party responsible for selecting the Transit Administrator.

A motion was made by Council Member Larson seconded by Council Member Hyman to designate the DATA Board as the party responsible for selecting the Transit Administrator.

A substitute motion was made by Council Member Miller seconded by Council Member Cox to designate the City Staff and the DATA Board as the parties responsible for selecting the Transit Administrator.

Interim City Manager Brown noted that Consent Item 9 requests that the administration resume the process of the DATA Transition Plan. He recommended that this item [designating party responsible for selecting Transit Administrator] be referred to the administration to be reviewed along with the DATA Transition Plan. Mr. Brown noted that the ordinance adopted clearly states that the Transit Administrator will be hired by the DATA Board.

Council Member Clement stated the council needed to re-examine the ordinance giving the DATA Board the authority to hire the Transit Administrator.

**SUBSTITUTE MOTION TO THE SUBSTITUTE** by Council Member McKissick seconded by Council Member Langley to refer this item to the administration [designating party responsible for selecting Transit Administrator to be reviewed along with the DATA Transition Plan] was approved at 10:25 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: PRELIMINARY APPROVAL - IVY PLAZA LIMITED PARTNERSHIP - 1996 HOUSING BOND FUNDS**

**MOTION** by Council Member Larson seconded by Council Member Cox to approve a preliminary allocation of 1996 Housing Bond funds to the Ivy Plaza Limited Partnership in an amount not to exceed \$1,471,188 as subordinate mortgage financing for the acquisition and development of the Ivy Plaza project

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subject to negotiation of financing terms for the project and development of loan documentation and final City Council approval was approved at 10:26 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: 1996-97 BEER AND WINE LICENSES**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the issuance of Beer and Wine Licenses to the establishments listed below was approved at 10:26 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: Council Member Cox. Absent: Council Members Engelhard and Wright.

**Restaurants**

China One (renewal)	El Rodeo of South Square (renewal)
4325 Highway 55	4215 University Drive
Ah Lack Wong	Javier Salazar
Beer on premises	Beer on premises
Wine on premises	Wine on premises

Imperial Hotel Group (renewal)  
DBA Sheraton Imperial Hotel  
Michael J. Martino  
Beer on premises  
Wine on premises

Service Stations	Convenient Marts
MM Fowler, Inc. (new)	Cash & Carry (new)
T/A Eno BP	6018 Craig Road
5292 Roxboro Road	Burnette Scurlock
James Lee White	Beer off premises
Beer off premises	Wine off premises

**Others**

Revco Discount Drug	Revco Discount Drug
Center #4047 (renewal)	Center #1444 (renewal)
4621 Hillsborough Rd.	330 Guess Road
Greg Winstead	Beer off premises
Beer off premises	Wine off premises
Wine off premises	

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: DATA TRANSITION PLAN**

**January 21, 1997**

To direct the City Manager to resume the DATA Transition Plan.

A motion was made by Council Member Clement to refer this item to the administration. This motion was seconded by Council Member Miller.

Council Member Larson stated in an earlier motion the administration was directed to work on bringing the DATA Transition Plan to the council; therefore, the motion directing the City Manager to resume the DATA Transition Plan needs to be approved.

At this time, Council Member Clement withdrew his motion.

**MOTION** by Council Member Larson seconded by Council Member Cox to direct the City Manager to resume the DATA Transition Plan was approved at 10:27 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

**SUBJECT: FY 1996-97 BUDGET ORDINANCE AMENDMENT #3**

To adopt "An Ordinance Amending the 1996-97 City of Durham Budget Ordinance, as Amended, the Same Being Ordinance 10753" to increase revenues and appropriations by \$5,970,537.38.

Due to questions raised by Council Member Cox, Interim City Manager Brown requested that this item be held until the February 3, 1997 City Council Meeting.

**MOTION** by Council Member Cox seconded by Council Member McKissick to refer this item to the administration to be brought back to council at the February 3, 1997 City Council Meeting] was approved at 10:40 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Engelhard and Wright.

At this time, Mayor Kerckhoff announced that Carl Washington, Co-Manager of the Parks and Recreation Department, died of a massive heart attack earlier this evening.

**SUBJECT: STORM DRAINAGE - OLD FARM**

**January 21, 1997**

To receive a report from the Administration regarding the December 17, 1996 storm drainage field trip to Old Farm.

To direct the Engineering Department to proceed with the securing of permanent easements from the property owners; to proceed at this time with only clearing and snagging of Old Farm Creek with said work to be performed at the City's cost; and that a determination of any further dredging activities and methods be made subsequent to the completion of clearing and snagging.

Council Member Miller stated the intent of placing this item on the agenda was to help alleviate the drainage problem and to respond to requests from the residents of Old Farm. He noted the action taken at the Public Works Committee was to seek an additional 30 foot easement over the 10 foot already granted and to get the 61 property owners to sign a petition agreeing with the additional 30 foot easement. Council Member Miller stated the city needed to proceed with clearing the debris with the 10 foot easement then review the results, and if necessary seek further easement.

A motion was made by Council Member Miller to direct the Engineering Department to proceed at this time with only clearing and snagging Old Farm Creek with said work to be performed at the City's cost; and that a determination of any further dredging activities and methods be made subsequent to the completion of clearing and snagging. This motion was seconded by Council Member Cox.

Council Members Hyman and Clement noted to limit individuals to operate within a 10 feet easement was not adequate for the kind of work that needed to be performed in this area.

A substitute motion was made by Council Member Hyman to approve the item as printed which includes the securing of permanent easements. This motion was seconded by Council Member Clement.

Ollie Cook, a resident of Old Farm, noted that everyone else who has a need to go behind any house in Old Farm [whatever utility] they have been coming behind the houses asking permission and they have received it. She stated no one in Old Farm is going to give an additional permanent easement of 30 feet. She stated the city would have to clean within the 10 feet of existing easement they already have.

**SUBSTITUTE MOTION** by Council Member Hyman seconded by Council Member Clement to receive a report from the Administration regarding the December 17, 1996 storm drainage field trip to Old Farm; and

**January 21, 1997**

To direct the Engineering Department to proceed with the securing of permanent easements from the property owners; to proceed at this time with only clearing and snagging of Old Farm Creek with said work to be performed at the City's cost; and that a determination of any further dredging activities and methods be made subsequent to the completion of clearing and snagging was approved at 10:59 p.m. by the following vote: Ayes: Mayor Kerckhoff and Council Members Brown, Clement, Cox, Griffin, Hyman and Larson. Noes: Mayor Pro Tem Robinson and Council Members Langley, McKissick and Miller. Absent: Council Members Engelhard and Wright.

There being no further business to come before the Council, the meeting was adjourned at 10:59 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk